

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTEENTH DAY OF AUGUST, NINETEEN HUNDRED SEVENTY-NINE, AT 7:30 P.M. IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY.

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District  
 Abram Frink, Vice-Chairman, Roberts District  
 John E. Donaldson, Jamestown District  
 Jack D. Edwards, Berkeley District  
 David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
 John E. McDonald, Assistant to the Administrator  
 Frank M. Morton, III, County Attorney

Mr. Taylor called the meeting to order at 8:00 P.M. due to the Service Authority agenda running late.

B. PRESENTATION - Robert A. Magoon, Jr. - Celebration of Architecture

Mr. Robert A. Magoon, Jr., representing the local chapter of the American Institute of Architects, made a brief presentation relative to the commemoration of the Celebration of Architecture in 1979. He presented a framed poster illustrating the Cathedral of All Saints in Albany, New York, which had been chosen as the logo for the 1979 celebration.

Mr. Oliver accepted the poster on behalf of the Board, and stated he had been very pleased with the relationship the County had experienced with Mr. Magoon.

C. PUBLIC HEARINGS

1. An ordinance to amend and reordain Chapter 7, Garbage and Refuse, of the Code of the County of James City, by amending Section 7-4, Same -- Recourse of County upon failure of owner or occupant.

Mr. Oliver explained that this was basically a housekeeping item involving a minor change in language. The primary change pertained to authorizing the County Administrator to designate the administrative follow-up work involved with this ordinance to other individuals.

Mr. Taylor opened the public hearing. No one wished to speak and Mr. Taylor closed the public hearing.

A brief discussion followed.

Mr. Donaldson moved for approval of the amended ordinance. The motion carried by a unanimous roll call vote.

ORDINANCE NO. 131A-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 7, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING SECTION 7-4, SAME--RECOURSE OF COUNTY UPON FAILURE OF OWNER OR OCCUPANT.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 7, Garbage and Refuse, of the Code of James City be and the same is, hereby, amended and reordained by amending Section 7-4, Same--Recourse of county upon failure of owner or occupant.

## CHAPTER 7

## GARBAGE AND REFUSE.

Section 7-4. Same--Recourse of county upon failure of owner or occupant.

(a) The county administrator or his designee may, and upon complaint by any responsible person that conditions exist on any real property in violation of section 7-3 shall, investigate conditions existing on real property in the county at any time; and upon determination by the county administrator or his designee, following investigation, that the owner, occupant or person in charge of any real property in the county stands in violation of his duty as provided in section 7-3 and directing him to take such action as may be necessary to rectify such conditions within such time, not more than ten days, as shall be stated in the notice.

(b) If, ten days after the service of any such notice, the directive thereof has not been complied with, the county administrator or his designee shall proceed to have such work done as may be necessary to abate any condition which might endanger the health or safety of residents of the county or otherwise constitute a nuisance, and all expenses resulting therefrom shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected; and all charges not so collected shall constitute a lien against such property.

This ordinance shall be in full force and effect from the date of its adoption.

2. Case No. Z-7-79. Consideration of an application of Mr. Philip O. Richardson to rezone approximately 4.1 acres behind the Sheraton Patriot Inn located on Route 60 West from B-1, General Business to R-5, Multi-family.

Mr. William C. Porter, Jr., Director of Planning, presented this item to the Board.

A brief discussion followed Mr. Porter's presentation.

Mr. Taylor opened the public hearing.

Mr. Philip Richardson, owner of the project indicated that at the time the building permit for this property was obtained, the apartment complex conformed with the zoning requirements. However, since that time, the zoning has changed, thereby making the project non-conforming. As it is now, if a fire or something else happened to destroy the buildings, they could not be replaced because of the non-conforming status.

Mr. Taylor closed the public hearing.

Mr. Ware moved for approval of the rezoning. The motion carried by a unanimous roll call vote.

3. Case No. Z-8-79. An ordinance to amend Chapter 20, Zoning, of the Code of the County of James City, Article IV, Districts: Division 3, Agricultural, Limited, District A-2, Section 20-36, Permitted Uses, and the addition of Section 20-36.1, Uses Permitted by Special Use Permit Only.

Mr. Porter presented this item to the Board, stating there were some corrections necessary in the ordinance as presented. First of all, on page 2 of the A-2 ordinance, the italicized wording "Rental of up to three rooms with off-street parking provided totalling one more parking space than the total number of rooms to be rented" should be deleted. Also, on the first page of the R-3 District amendment, the wording "Tourist Homes" should not be crossed through and the italicized wording referring to rental of rooms should be deleted as in the A-2 District.

Mr. Porter explained that due to a 1978 Virginia Supreme Court decision involving the City of Waynesboro, the Special Use Permit section of James City County's Zoning Ordinance no longer complies with State law. The proposed amendment now before the Board provides for a separate section to be set up to list Uses Permitted by Special Use Permit Only for each district in which they are permitted.

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In summarizing, Mr. Porter pointed out that certain uses formerly listed as permitted uses had now been listed as uses permitted by Special Use Permit only. Specific uses which, because of their size, impacts on adjacent properties and nature of the uses, were determined to be uses that should be permitted with a Special Use Permit. Some examples of these uses are Gift Shops, Antique Shops, Dinner Theatres, Restaurants, Cemeteries and beauty shops, barber shops and drug stores. Mr. Porter indicated that although the proposed amendment did list "mobile homes" as a permitted use in the A-2 District, it had subsequently, been decided that a more in-depth study by the Planning Commission should be accomplished in reference to mobile homes prior to it being listed as a permitted use.

A brief discussion followed Mr. Porter's presentation.

Mr. Taylor opened the public hearing for Case No. Z-8-79.

Mr. Salsberg of Powhatan Shores stated he supported the suggestion that mobile homes be given further study.

Mr. Edwin Oyer of 139 Indian Circle stated he understood the difference between a conditional Permit and a Special Use Permit was that an item could be granted a Conditional Permit without Board approval but that a Special Use Permit would have to be granted by the Board. He asked if his interpretation was accurate.

Mr. Porter explained that the Board does act on Conditional Use Permits. He said the difference is that there is no public hearing for a Conditional Use Permit and there is no requirement for a recommendation from the Planning Commission.

Mr. Oyer asked if this amendment would be doing away with all Conditional Use Permits and replacing them with Special Use Permits.

Mr. Porter stated they would be replaced with Special Use Permits or the use would be listed as a Permitted Use.

No one else wished to speak and Mr. Taylor closed the public hearing.

Mr. Donaldson moved for approval of the amendment to the A-2 District as set forth in Case No. Z-8-79, with the exception of the two deletions indicated on page two referring specifically to "Rental of up to three rooms..." and "Mobile Homes".

A brief discussion followed, during which the method of applying for a Special Use Permit was described.

The motion carried by a unanimous roll call vote.

**ADOPTED**

ORDINANCE NO. 31A-56

AUG 13 1979

BOARD OF SUPERVISORS  
AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: VIRGINIA DIVISION 3, AGRICULTURAL, LIMITED, DISTRICT A-2, SECTION 20-36, PERMITTED USES, AND SECTION 20-36.1, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending Article IV, Districts: Division 3, Agricultural, Limited, District A-2, Section 20-36, Permitted Uses, and Section 20-36.1, Uses permitted by Special Use Permit only, to read as follows:

## CHAPTER 20

## ZONING

## Article IV. Districts

## Division 3. Agricultural, Limited, District A-2

## Section 20-36. Permitted uses.

In the agricultural, limited, district A-2, structures to be erected or land to be used shall be for one or more of the following uses:

- Single-family dwellings.
- Two-family dwellings.
- Group quarters for agricultural workers.
- Agriculture, dairying, forestry, general farming and specialized farming.
- Food processing and storage, but not the slaughter of animals.
- Feed, seed, and farm supplies.
- Schools, churches, and libraries.
- Fire stations.
- Public and private recreation areas, parks and playgrounds, lodges, riding clubs and horses for hire, hunting clubs, yacht clubs, preserves and conservation areas, golf courses, swimming facilities, tennis facilities, and boating facilities.
- Wayside stands for sale of agricultural products.
- House museums.
- Home occupations, as defined, conducted by the occupant.
- Manufacture and sale of wood products.
- Boat docks (with repair).
- Off-street parking as required by this chapter.
- Accessory uses as defined; however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any property line.

## Section 20-36.1. Uses permitted by Special Use Permit only.

In the A-2, Limited Agricultural District, structures to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

- Professional, business and governmental offices.
- Temporary offices.
- Sanitary landfills.
- Airports.
- Gift shops, antique shops, dinner theatres, or restaurants.
- Beauty shops, barber shops, and drug stores.
- Hospitals, nursing homes, sanitoria, and rest homes.
- Mobile home parks.
- Lodges, civic clubs, fraternal organizations, and service clubs.
- Cemeteries and memorial gardens.
- Radio and television stations or towers.
- Photography studios and sales, artist and sculptor studios, arts and crafts shops.
- Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, stripping of top soil (but farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval are permitted generally without a Special Use Permit).
- Hotels and motels.
- Day care or child care centers.

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Campgrounds.

Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

Commercial livestock feeding operations containing 1000 animal units or more (as defined in 1976 by the U.S. Environmental Protection Agency).

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, except private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids, except private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private electrical generation facilities, electrical substations with a capacity of 5000 volt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges, switching yards and stations, except spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way, and track and safety improvements in existing railroad rights-of-way, are permitted generally and without a special use permit.

This ordinance shall be in full force and effect from the date of its adoption.

4. Case No. Z-9-79. An ordinance to amend Chapter 20, Zoning, of the Code of the County of James City County, Article IV, Districts: Division 6, Residential, General, District R-3, Section 20-59, Permitted Uses, and the addition of Section 20-59.1, Uses Permitted by Special Use Permit Only.

Mr. Porter's previous presentation of Case No. Z-8-79 had included all pertinent information for this case also.

Mr. Taylor opened the public hearing for Case No. Z-9-79.

No one wished to speak and Mr. Taylor closed the public hearing.

Mr. Edwards made a motion to approve the amendment as presented with the exception of the deletion referring to "Rental of up to three rooms..." and the reinsertion of "Tourist Homes" as a Permitted Use.

The motion carried by a unanimous roll call vote.

**ADOPTED**

AUG 13 1979

ORDINANCE NO. 31A-57

BOARD OF SUPERVISORS  
JAMES CITY COUNTY

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 6, RESIDENTIAL, GENERAL, DISTRICT R-3, SECTION 20-59, PERMITTED USES, AND SECTION 20-59.1, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following division of Article IV, Districts: Division 6, Residential, General, District R-3, Section 20-59, Permitted Uses, and Section 20-59.1, Uses permitted by a Special Use Permit only, to read as follows:

## CHAPTER 20

## ZONING

## Article IV. Districts.

## Division 6, Residential, General, District R-3

## Section 20-59. Permitted uses.

In the residential, general, district R-3, structures to be erected or land to be used, shall be for one or more of the following uses:

- Single-family dwellings.
- Two-family dwellings.
- Three-family dwellings.
- Tourist homes.
- Schools, libraries and fire stations.
- Churches.
- Rest homes.
- Parks, playgrounds, golf courses and other community recreational facilities.
- Home occupations as defined.
- Off-street parking as required by this chapter.
- Accessory buildings permitted as defined; however, garages or other accessory structures, such as carports, porches or stoops, attached to the main building, shall be considered part of the main building. No accessory building may be closer than five feet to any side or rear property line.

## Section 20-59.1. Uses permitted by Special Use Permit only.

In the R-3, General Residential District, structures to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

- Four-family dwellings.
- General hospitals and nursing homes.
- Professional, business and governmental offices.
- Temporary offices.
- Lodges, civic clubs, fraternal organizations and service clubs.
- Cemeteries and memorial gardens.
- Day care and child care centers.
- An accessory apartment.
- Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.
- Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, except private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.
- Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids, except private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.
- Public or private electrical generation facilities, electrical substations with a capacity of 5000 volt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.
- Railroad facilities including tracks, bridges, switching yards and stations, except spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way, and track and safety improvements in existing railroad rights-of-way, are permitted generally and without a special use permit.

This ordinance shall be in full force and effect from the date of its adoption.

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5. Case NO. SUP-1-79. Consideration of an application of Mr. Gilbert Granger of G. Square, Inc., for a Special Use Permit to allow the placement of a 10' x 46' mobile office to house a project currently providing information services to area deaf, blind, aged and homebound persons via FM Station WBCI.

Mr. Porter presented this item to the Board. He indicated the Planning Commission had recommended approval of the Application; however, due to concern regarding approving development within the corridor of Route 199, two conditions were placed upon this approval. Those conditions stipulated that the temporary office must be removed from the property by June 30, 1984 or upon notice by the Virginia Department of Highways of its intentions to acquire the subject property and that the Commonwealth of Virginia and James City County shall be held harmless for any cost incurred by the owner or owners of Parcel 88 of Tax Map 25, or any tenant of the temporary office, as a result of the removal of the office.

A brief discussion followed Mr. Porter's presentation during which the question arose as to whether the words "by the owner or owners..." should

be deleted from the condition pertaining the Commonwealth of Virginia and James City County being held harmless for cost incurred.

Mr. Taylor opened the public hearing. No one wished to speak and Mr. Taylor closed the public hearing.

Mr. Ware moved for approval of Case No. SUP-1-79 with the change in language of the second condition to read "The Commonwealth of Virginia and James City County shall be held harmless for any cost incurred on Parcel 88 of Tax Map 25 as a result of the removal of the temporary office".

The motion carried by a unanimous roll call vote.

The following conditions were made part of the approval of Case No. SUP-1-79:

"The temporary office approved by Case No. SUP-1-79 must be removed from the property by June 30, 1984, or upon notice by the Virginia Department of Highways and Transportation of its intentions to acquire the subject property for the development of Route 199, whichever comes first. The Commonwealth of Virginia and James City County shall be held harmless for any cost incurred on Parcel 88 of Tax Map 25 as a result of the removal of the temporary office".

6. An ordinance to amend and reordain a User Charge System for Sewer Services - Sanitary District No. 3.

Mr. John E. McDonald, Assistant to the Administrator presented this item to the Board, stating it was similar to the item presented earlier on the Service Authority Agenda and refers to the billing procedures for sewer services and groundwater services Sanitary District No. 3. The amendment affects the billing procedure only and this finalizes the emergency ordinance, which was adopted on June 25, 1979 in reference to this matter.

A brief discussion followed Mr. McDonald's presentation.

Mr. Taylor opened the public hearing for this matter.

No one wished to speak and Mr. Taylor closed the public hearing.

Mr. Frink moved for approval of the ordinance as presented.

The motion carried by a unanimous roll call vote.

## ORDINANCE NO. 100A-3

AN ORDINANCE TO AMEND AND REORDAIN A USER CHARGE SYSTEM  
 FOR SEWER SERVICES  
 SANITARY DISTRICT NO. 3  
 JAMES CITY COUNTY, VIRGINIA

## SECTION I

## FEES

## 1-3 Billing, Penalty, and Pro Rata Bills

## 1-3-1 Billing

All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Sewer service may be discontinued by the District if Sanitary District No. 3 bills are not paid within thirty days of the mailing date.

The owner of the property shall remit all delinquent charges prior to reconnection of service, including, if applicable, any charges for disconnection and/or reconnection.

The property owner remains responsible for all the service line from the street right-of-way to the premises; any leak, break, or stoppage occurring at any point on the service line shall be repaired immediately.

## 1-3-2 Penalty

Any unpaid sewer charges shall become a lien on land or property served by the sewer line as provided in the Code of Virginia, 1950, as amended, Section 21-118.4(e).

## 1-3-3 Pro Rata Bills

Owners requesting discontinuance or establishing new accounts for service shall be billed based on the pro rata portion of the billing period when service was provided. If notice of discontinuance of service is not given to the James City County Office of Finance by the owner, the quarterly bill shall be due in full.

7. An ordinance to amend and reordain a User Charge System for Groundwater Services - Sanitary District No. 3.

Mr. McDonald's previous presentation of Item 6 had included all pertinent information regarding this case also.

Mr. Taylor opened the public hearing for this matter.

No one wished to speak and Mr. Taylor closed the public hearing.

Mr. Donaldson moved for approval of the ordinance as presented.

The motion carried by a unanimous roll call vote.

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AN ORDINANCE TO AMEND AND REORDAIN A USER CHARGE SYSTEM  
 FOR GROUND WATER SERVICES  
 SANITARY DISTRICT NO. 3  
 JAMES CITY COUNTY, VIRGINIA

## SECTION I

## FEES

## 3 Billing, Penalty, and Pro Rata Bills

## 3-1 Billing

All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Water service may be discontinued by the District if Sanitary District No. 3 bills are not paid within thirty days of the mailing date.

The owner of the property shall remit all delinquent charges prior to reconnection of service, including, if applicable, any charges for disconnection and/or reconnection.

The property owner remains responsible for all the service line from the street right-of-way to the premises; any leak, break, or stoppage occurring at any point on the service line shall be repaired immediately.

## 3-2 Penalty

All unpaid water charges shall become a lien on land or property served by the water line as provided in the Code of Virginia, 1950, as amended, Section 21-118.4(e).

## 3-3 Pro Rata Bills

Owners requesting discontinuance or establishing new accounts for service shall be billed based on the pro rata portion of the billing period when service was provided. If notice of discontinuance of service is not given to the James City County Office of Finance by the owner, the quarterly bill shall be due in full.

8. An Ordinance to Vacate A Portion of that Certain Plat entitled "Record Plat - Windsor Forest Section 5, owned by: Heritage Development Company, Powhatan Magisterial District, James City County, Virginia," and more particularly described as those common lot lines dividing Lots 13 and 14 and Lots 14 and 15, as shown on said plat.

Mr. Porter presented this item to the Board.

Mr. Taylor opened the public hearing for this vacation.

No one wished to speak and Mr. Taylor closed the public hearing.

Mr. Ware moved for approval of the ordinance.

The motion carried by a unanimous roll call vote.

## ORDINANCE NO. 130

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "RECORD PLAT - 'WINDSOR FOREST' SECTION 5, OWNED BY: HERITAGE DEVELOPMENT COMPANY, POWHATAN MAGISTERIAL DISTRICT, JAMES CITY COUNTY, VIRGINIA," AND MORE PARTICULARLY DESCRIBED AS THOSE COMMON LOT LINES DIVIDING LOTS 13 AND 14 AND LOTS 14 AND 15, AS SHOWN ON SAID PLAT.

WHEREAS, application has been made by Mr. Thomas B. Sutton and Mr. William Mettler, owners of lots 15 and 13 respectively and joint owners of lot 14, to vacate those common lot lines dividing lots 13 and 14 and lots 14 and 15, as more particularly described below; and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and Section 15.1-431 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Board of Supervisors did consider such application on the 13th day of August, 1979, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia:

1. That the common lot lines dividing Lots 13 and 14 and Lots 14 and 15 as shown on that certain plat entitled, "Record Plat - 'Windsor Forest' Section 5, Owned by: Heritage Development Company, Powhatan Magisterial District, James City County, Virginia," dated July 1973, and prepared by Deward M. Martin & Associates, Inc., Engineers, Planners, Surveyors, and recorded in Plat Book 32, Page 19, in the Clerk's Office of the Courthouse for Williamsburg-James City County be and the same are hereby vacated.
2. That a new plat entitled, "Resubdivision of Lots 13, 14 & 15, Windsor Forest, Section 5, Powhatan District, James City County, Virginia," prepared by Small Engineering, Inc., and dated February 2, 1979, be put to record in the Clerk's Office of the Courthouse for Williamsburg-James City County, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.

D. CONSENT CALENDAR

1. Setting Public Hearing Dates

- A. Proposed Bingo/Raffle Ordinance.
- B. Vacation of Plat - Elmwood Subdivision, Section 1, Lots 50 & 51.

September 10, 1979 at 7:30 P.M. was recommended for the public hearing date for the above listed matters.

2. Certification of Warrants

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## CERTIFICATION OF WARRANTS

July, 1979

On a motion by Mr. Taylor and carried by a unanimous roll call vote, the Board of Supervisors of the County of James City, Virginia, hereby certifies the following warrants for the month of July, 1979.

GENERAL FUND	Checks	#7923 - #8128
	Totalling	\$365,325.58
GENERAL FUND PAYROLL	Checks	#17574 - #17943
	Totalling	\$125,173.79
SANITARY DISTRICT NUMBER 1	Checks	#72 - #75
	Totalling	\$6,360.87
SANITARY DISTRICT NUMBER 2	Checks	#67 - #72
	Totalling	\$7,629.48
SANITARY DISTRICT NUMBER 3	Checks	#881 - #897
	Totalling	\$8,019.11
SUBDIVISION ESCROW		- 0 -
REVENUE SHARING	Checks	#565 - #572
	Totalling	\$95,002.30
ANTI-RECESSION	Checks	#11
	Totalling	\$266.75
TOANO WATER CONSTRUCTION		- 0 -
JCC BOND SINKING FUND	Checks	#7 - #8
	Totalling	\$100,000.00
REGIONAL JAIL CONSTRUCTION		- 0 -

Certified a true excerpt of the minutes of the James City County Board of Supervisors' meeting held on the 13th day of August, 1979.

3. Resolution - Sanitary District No. 3 Lien

A resolution setting forth a list of delinquent charges for the use of the sanitary system in James City County Sanitary District #3, to be entered in the Judgment Lien Docket of the Clerk's office.

## RESOLUTION

## Sanitary District No. 3 - Lien

WHEREAS, the Department of Public Works has certified to the Board of Supervisors of the County of James City that the following sewer account in James City County Sanitary District No. 3 is delinquent and unpaid, and

WHEREAS, such unpaid or delinquent charge is a lien against the real property on which the use of such system and for which the charge was imposed;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 21-118.4, paragraph E, of the Code of Virginia, 1950, as amended, the Board of Supervisors directs that the following delinquent charge for use of the Sanitary District No. 3 system be entered in the Judgment Lien Docket of the Clerk's Office of James City County, Virginia:

Account Number #14-01-152700-5

William L. Roberts  
1527 Jamestown Road  
Williamsburg, VA 23185

Description of Property:  
1527 Jamestown Road  
Williamsburg, VA 23185

Amount Due:	Sewer:	\$51.00
	Penalty:	5.82
	Lien Fee:	<u>.50</u>
	Total:	\$57.32

Mr. Taylor moved for approval of all Consent Calendar items.

The motion carried by a unanimous roll call vote.

E. BOARD CONSIDERATIONS

1. Resolution - Adjustment to FY 80 Commonwealth's Attorney Budget

Mr. McDonald presented this item to the Board indicating that due to changes in the State Compensation Board's awards to the Office of the Commonwealth Attorney a budget adjustment of \$1,059.00 is necessary. Mr. McDonald asked that the resolution adding \$1059.00 to both Revenue from the Commonwealth's account and to the appropriation for the Office of the Commonwealth's Attorney be approved.

There was no discussion.

Mr. Edwards moved for approval of the resolution.

The motion carried by a unanimous roll call vote.

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## RESOLUTION

WHEREAS, the State Compensation Board has recently amended its compensation awards for the Office of the Commonwealth's Attorney, and

WHEREAS, the James City County Board of Supervisors endorses the amended award,

THEREFORE BE IT RESOLVED, that the Board of Supervisors of James City County does hereby amend its adopted budget for fiscal year 1979-80 by increasing Revenue from the Commonwealth and the appropriation to the Office of the Commonwealth's Attorney each by \$1,059.00, and

BE IT FURTHER RESOLVED, that the State Compensation Board of the Commonwealth of Virginia and the City of Williamsburg be so advised.

2. Resolution - Appropriation of Utility Extension Funds

Mr. Wayland N. Bass, Director of Public Works, presented this item before the Board, outlining a request for allocation of utility extension funds to accomplish the following:

1. Feasibility Study - Williamsburg Pottery Water Supply -	\$ 500.00
2. Fluoride Reduction Plan - Powhatan Shores, Jamestown 1607, St. George's Hundred -	750.00
3. Stream Flow Measurements - Ware Creek	7,000.00
TOTAL	<u>\$8,250.00</u>

A brief discussion followed Mr. Bass' presentation.

Mr. Donaldson moved for approval of the resolution to appropriate the funds for the purposes indicated and to authorize the County Administrator to execute an agreement with the appropriate federal agency for the Ware Creek stream flow measurements.

The motion carried by a unanimous roll call vote.

## RESOLUTION

WHEREAS, utility extension funds are included in the FY 80 Capital Improvement Budget; and

WHEREAS, such funds may be expended with the authorization of the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that Eight Thousand Two Hundred Fifty Dollars (\$8,250.00) is hereby appropriated in the amounts and for the purpose listed below:

(1) Feasibility Study - Williamsburg Pottery Water Supply	\$ 500.00
(2) Fluoride Reduction Plan - Powhatan Shores, Jamestown "1607", St. George's Hundred	750.00
(3) Stream Flow Measurements - Ware Creek	<u>7,000.00</u>
TOTAL	<u>\$8,250.00</u>

AND BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to execute an agreement with the appropriate federal agency for the Ware Creek stream flow measurements.

3. Resolution - Change in Radio Frequency

Mr. Bass presented this item to the Board, stating it was recommended that administrative and maintenance voice radio transmissions be separated from pumping station alarm signals. He asked that the resolution increasing the Sanitary District No. 3 budget by \$3,241.00 be approved.

There was no discussion.

Mr. Frink moved for approval of the resolution.

Mr. Frink moved for approval of the resolution.

The motion carried by a unanimous roll call vote.

RESOLUTION

WHEREAS, it is necessary to separate the radio transmission of pumping station alarm signals from the County administrative and maintenance voice radio transmissions.

NOW, THEREFORE, BE IT RESOLVED that the FY 80 Sanitary District No. 3 budgeted amount for equipment maintenance is hereby increased by the amount of \$3,241.00.

BE IT FURTHER RESOLVED that the source of revenue shall be current reserves of the District.

4. Bingo Permit - Williamsburg Lions Club

It was felt that there was no need for a presentation on this item.

Mr. Ware moved for approval of the renewal of the Lions Club Bingo Permit.

The motion carried by a unanimous roll call vote.

5. Resolution - Kristiansand Subdivision Highway Dedication

Mr. Frank M. Morton, III, County Attorney, pointed out that this was a revision to a previously approved dedication of streets in the Kristiansand Subdivision. The revision is necessitated due to the Highway Department deleting a small dead end portion of Harradd Lane from the streets to be included in the secondary system.

Mr. Donaldson moved for approval of the resolution.

The motion carried by a unanimous roll call vote.

R E S O L U T I O N

WHEREAS, the developer of Kristiansand Section IV has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires these roads to be included in the State Secondary Highway System, providing these roads meet with the requirements of the Virginia Department of Highways and Transportation and providing that any alterations, corrections or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a ninety (90) day period from the day that the Department of Highways and Transportation makes its final inspection.

AAC798

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Department of Highways and Transportation be, and it hereby is respectfully requested, contingent upon the above, to include the following street/s in Kristiansand Section IV Subdivision, James City County in the State Secondary Highway System.

Description:

Nina Lane	- From: Telemark Drive (Rt. 1615)	60' R/W
	To: Astrid Lane	0.14 Mi.
Astrid Lane	- From: Nina Lane	50' R/W
	To: Harradd Lane	0.14 Mi.
Harradd Lane	- From: 30' S.W. of Astrid Lane	50' R/W
	To: 0.10 Mi. N.E. to End	
	Cul-de-sac	0.10 Mi.

A right of way of 50 - 60 feet as shown above is guaranteed as evidenced by plat of record, entitled Kristiansand Section IV Subdivision, Plat Book 32, Page 69.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the developer of Kristiansand Section IV and the Resident Engineer of the Department of Highways and Transportation.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Oliver indicated that Mrs. Phyllis Cody, Citizens Assistance Officer in the EOC Building at Toano, wished to extend the Board an invitation.

Mrs. Cody reported she would be holding an Open House in the Toano office on September 4th and invited the Board Members to visit the office that day. She said the hours of the Open House would be from 1:00 - 4:00 P.M.

Mr. Taylor asked Mrs. Cody if she would be publishing the various ways in which she will be able to assist the citizens in the Toano office, as well as an invitation to the Open House.

Mrs. Cody reported she has previously published certain information regarding the types of services available through her office and hopefully more information could be published in the future. She also reported the invitation to the Open House would be publicized.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver stated he had several personnel items which he would like to discuss in Executive Session.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Ware stated he had been receiving numerous calls in reference to the reassessment. He also asked about the status of the Board of Equalization.

Mr. Morton replied that James City County is presently in the process of contacting the Attorney General to determine if the County needs a Board of Equalization. He pointed out that at this time, James City County is not required, according to verbal information received via the assessors office from the Attorney General's Office, to have a Board of Equalization.

Mr. Oliver suggested it would be beneficial for the Board to have a worksession with the Real Estate Assessor regarding how he actually does the assessments.

Mr. Ware stated he would like to have the staff pursue the possibility of creating a Board of Equalization so that individuals would have a point of appeal.

Mr. Oyer, from the audience, said he had spent over an hour with Mr. Johnston, the Assessor, recently and that although he felt that Mr. Johnston was on top of what was going on, there were some variances that could use some further investigations. 219

Mr. Edwards moved to recess into Executive Session in order to discuss personnel matters under § 2.1-344 (a) (1) of the Code of Virginia 1950, as amended.

The Board convened in Executive Session at 9:47 P.M. and returned at 10:15 P.M.

Mr. Ware made a motion to appoint John E. Donaldson as James City County's representative to the Peninsula Water Committee.

The motion carried by a unanimous roll call vote.

Mr. Oliver asked for approval of a resolution which would authorize a full-time position of Clerk-Typist II within the office of Building Inspections and the necessary re-appropriation of funds for same.

Mr. Edwards moved for approval of the resolution.

The motion carried by a 3-2 roll call vote. Mr. Taylor and Mr. Ware voted no.

#### RESOLUTION

WHEREAS, the activities of the offices of Planning and Building Inspections as defined under the Virginia Uniform Statewide Building Code have necessitated the utilization of a previously budgeted part-time position on a full time basis.

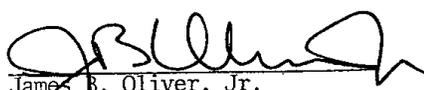
THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes the following:

1. The creation of a full time position of Clerk Typist II within the Office of Building Inspections.
2. The elimination of previously approved part-time funds in the amount of \$4,350 and the transfer of those residual funds to full time salaries within the Office of Building Inspections.
3. The transfer of \$2,800 from the Contingency Account to Full Time Salaries, Office of Building Inspections.

BE IT FURTHER RESOLVED that the classification and budget tranfers authorized above shall be effective on August 15, 1979.

There was no further business to come before the Board, therefore Mr. Ware moved to adjourn. The motion carried by a unanimous roll call vote.

THE MEETING ADJOURNED AT 10:17 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board